

AnnualPAUL, REICH & MYERS, P.C.

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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL SECTION: TRIAL DIVISION

CALVIN DAMON and
ROSEANNE DAMON, h/w

vs.

AIREON MANUFACTURING CORP., et al.

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:

CIVIL ACTION

NO. 14-CV-1954

ASBESTOS CASE

ANSWER TO MOTION FOR SUMMARY JUDGMENT OF RAYTHEON

Defendant has failed in its burden on summary judgment. Its motion should be denied.

PAUL, REICH & MYERS, P.C.

BY:



ROBERT E. PAUL

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	:	
vs.	:	NO. 14-CV-1954
	:	
AIREON MANUFACTURING CORP., et al.	:	ASBESTOS CASE

**MEMORANDUM IN OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT OF RAYTHEON**

I. SUMMARY OF FACTS AND LEGAL ISSUES

Plaintiff was exposed to and inhaled asbestos dust when he opened up Raytheon radar equipment. The Raytheon equipment contained asbestos. When the case was removed to this Court on a defense to state court claims and perhaps became a maritime case still plaintiff retained his state law rights. The government contract defense is for a jury to resolve as the Court has previously ruled in this case. Defendant is liable in strict liability as there is no evidence the asbestos in the Raytheon equipment to which he was exposed was not the original. Under his Pennsylvania law claims he should be permitted to proceed. On the maritime claim in negligence he should be permitted to proceed against Raytheon for designing its equipment to

contain asbestos.

II. ACTUAL FACTS OF CASE

Damon's jobs in the Navy required him to work with radar and/or sonar equipment. (Exhibit A, 272-302). He worked with Raytheon radar sets. These pieces of equipment were located in what he called the ECM room (November 18, 2014 deposition Exhibit C NT 115). He had described the ECM room in the prior deposition as the electronic counter measures room (April 4 transcript 74). In the April 17, 2014 deposition he described exposure to dust from Raytheon products (Exhibit A, 271-303, especially 283-289). This included seeing dust on Raytheon gaskets he repaired. (284-295). The Raytheon components were the same on both ships (296-297). He took apart the gaskets from the Raytheon scope. In the April video (Exhibit B) he further described coating and gasket exposure dust from Raytheon products (37-46, 61). He worked on every piece of equipment in the command centers (116). He described how he removed the front cover and would remove the dust which had accumulated throughout the Raytheon product. (119, 121). His job required him to clean and dust out the unit (121). There is no evidence that these were not original equipment gaskets and coating and seals. This included¹ packing and seals which were frayed from the heat (Exhibit C 63, 114-126, 151-152). Raytheon had sold a radar set AN/SPN-12 (XN-1)(Exhibit D). This was the product which he opened up as described above. The AN/SPN-12 (XN-1) was the product used on the USS Independence CVA-62 (Exhibit E), see page 3-1-1. This contained packing² described by

¹ Counsel for Raytheon objected to some of the testimony but not all. Counsel for Lockheed believed it was his obligation to object to every question.

² All high heat packing contained asbestos at that time (Exhibit K, Jewitt testimony)

Damon, see page 3-17 and seal with asbestos compound. Contained within the Raytheon product were asbestos products labeled seals and packing. A packing is a sealing type product. Faherty discusses the role asbestos sealing gaskets and wire played in Damon's injury (Exhibit F). Bendix/Honeywell's expert McCaffery had located the Navy documents that showed asbestos gaskets, board sealing compound and wire were used on ships during Damon's service (Exhibit G).

Despite Raytheon's attempts to recast the evidence the fact remains that he was exposed to asbestos dust emitted from Raytheon products from packing and seals designed and intended by Raytheon. Based on the evidence it was the first time the asbestos products were removed since their original installation since he noted over 15 years had passed since the last renewal (Exhibit C, NT 120).

Plaintiff's maritime expert will testify that some of the original equipment asbestos never left the products (Exhibit F, Faherty) and that the Navy required warnings and that Damon was exposed to asbestos from gaskets and wire. Dr. Frank stated he would testify based as to the role of each defendant compared to the totality of the exposure. (Exhibit H). While he did not write a 40 page opus describing the role of each defendant in the total picture, he stated he intended to discuss the role of each defendant based on the description of their role derived from the deposition and would discuss the history of knowledge of the hazards of asbestos (Exhibit I). Raytheon's founder was an MIT professor so it could easily have known of the hazards of asbestos (Exhibit J). Raytheon can hardly claim it is unaware of the evidence of exposure in the case.

III. LEGAL ISSUES

A. State Law Claims remain and the Court lacks Jurisdiction and Negligence and Strict Liability Claims under Pennsylvania and Maritime Law exist

It is plaintiff's contention that maritime law does not apply herein. It is to be remembered that maritime jurisdiction is limited see 28 U.S.C. 1333 (1). The section provides original but not exclusive jurisdiction to federal courts, saving to suitors in all cases all other remedies to which they are otherwise entitled. This Court has recognized this statute in such cases as *McKenna* 14-CV-6064 in which defendants sought to remove a case on the grounds of maritime jurisdiction. Relying on cases such as *James Lewis v. Lewis and Clark Marine*, 531 U.S. 438 (2001) this Court remanded on the grounds that state courts retain power over certain classes of cases. While This Court has chosen to exercise its pendent jurisdiction power to retain cases the state law claims remain to be tried alongside the maritime claims by the Court. Also see *Madriga v. Superior Court of California*, 346 U.S. 556 (1934).

Thus, the negligence claim against Raytheon under both state and federal law remains valid. This claim provides that if defendant designed its product to contain asbestos and failed to warn it remains liable for injuries caused by its product. This Court recognized such claims in *Schwartz v. Abex*, 2015 U.S. Dist Lexis 6807 (USDCEDPA 2015), under state law and in maritime in cases such as *Salisbury* 2014 U.S. Dist Lexis 11295 (USDCEDPA 2014). Other Courts have interpreted *Salisbury* as allowing plaintiff to proceed on negligence even when the strict liability claim fails see *Quirin v. Lorillard*, 17 F. Supp 3.d 760 (USDCNDILL 2014). Raytheon knew, should or could have known that asbestos was hazardous. As Dr. Frank notes in his affidavit the knowledge that asbestos was hazardous was widespread throughout the scientific community for many years (Exhibit I). Raytheon's founder was later dean of MIT's School of

Engineering (Exhibit J). Thus Raytheon had easy access from the beginning to all the scientific knowledge discussed by Dr. Frank. It should have acted to prevent injury in its designs and warn but failed to do either. Thus, under either maritime or state law it breached its duty to warn. On negligence whether in maritime or state law Restatement of Torts 2nd 388 provides that a defendant can be held liable if it knew or should have known of the hazards *Gresik v. PA Partners LP*, 33 A.3d 594 (Pa. 2011) (Pennsylvania) *Norfolk Shipbuilding & Drydock v. Garris*, 532 US 811 (2000), *Fisher v. Foster Wheeler*, 994 F. Supp 2.d 679 (ED PA 2014), *East River Steam Ship v. Transamerica DeLaval*, 476 U.S. 858 (1986), *Kermarec v. Compagnie Transatlantique* 358 U.S. 625 (1939)(Maritime). The Court, in denying plaintiff's motion to remand herein stated that plaintiff had created a jury question on the government contractors/specification defense.

On the government specifications defense Raytheon proffers no support for its claims. By contrast plaintiff, through his expert, Faherty (Exhibit F) relies on specific Navy requirements for warnings which Raytheon failed to obey. At least one Court has rejected Raytheon's defenses on this point. See *Hilbert v. McDonnell Douglas*, 07 CV 11900(USDCMASS 2008). This Court in denying plaintiff's motion for summary judgment in *Carper* and motion to remand in this case specifically ruled that a jury question existed on the issue of government specifications.

As to strict liability under maritime the Court's views are clear although erroneous and contrary to the requirements to protect seamen see *Moragne v. State Marine Lines*, 398 U.S. 375 (1970) discussion by Circuit Judge, Later Supreme Court Justice Story in *Hurden v. Gordon*, 111 F. Case 480 (D Maine 1823).

As to the state law the Court, in its *Schwartz* opinion rejected its own ruling in *Hoffeditz*

2011 U.S. Dist Lexis 110282 (USDCEDPA) and ignored the holding of *Burbage v. Boiler Engineering*, 249 A.2d 563 (1969). In that case the Supreme Court of Pennsylvania reviewed a case similar to this one. In *Burbage* a valve had been replaced on a boiler. The replacement valve which was not supplied by the boiler defendant malfunctioned caused injury. The Supreme Court upheld plaintiff's verdict against the boiler company on the grounds that from plaintiff's perspective it was defendant's boiler. The Court's *Schwartz* opinion disregards *Burbage* and should be rethought in light of *Burbage*. It still allows the negligence claim to proceed. Bare metal is not a recognized defense in negligence in any event. Raytheon could have known of the hazards yet failed to warn despite the Navy's. The motion should be denied.

PAUL, REICH & MYERS, P.C.

BY: 
ROBERT E. PAUL

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NO. 14-CV-1954

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ORDER


AND NOW, to wit, this _____ day of _____, 2015, the Answer to
Motion for Summary Judgment of **Raytheon** is hereby **Denied**.

BY THE COURT:

J.

CERTIFICATE OF SERVICE

I, Robert E. Paul, Esquire, hereby certify that a true and correct copy of Plaintiff's Answer to Motion of Raytheon has been filed electronically. This document is available for viewing and downloading from the ECF system as was served upon all counsel of record.



Robert E. Paul

Date: August 14, 2015

EXHIBIT A

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY
CIVIL SECTION: TRIAL DIVISION

COPY

CALVIN DAMON and : FEBRUARY TERM, 2014
ROSEANNE DAMON, h/w :

vs. :

AIREON MANUFACTURING :
CORP., et al. : NO. 2955

FRIDAY, APRIL 4, 2014

VOLUME I

Oral deposition of CALVIN
DAMON, was held at the Hotel Fauchere, 401
Broad Street, Milford, Pennsylvania,
commencing at 9:34 a.m., on the above date,
before Deborah A. Brazukas, a Registered
Professional Reporter, Certified Shorthand
Reporter of New Jersey, License No. XI 01938,
and Notary Public.

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rsopes and the ECM equipment and
erent things.

So I -- I -- I don't know if
answering what the question -- how you
t -- you know, I have to answer it the way
can. I can't --

And I appreciate that. And
re doing fine.

What -- you mentioned ECM
ment. What is that?

Electronic countermeasures.

While you were on the Lake
plain, did you actually operate any of
adar equipment?

Yes, I did.

Do you recall about when you
n operating the equipment?

Probably -- I think -- I believe
st of '64 is our first deployment out to

What type of work did you do,
ally speaking, to operate the radar
ment?

Page 75

You would sit in front of the
cope and track paints or -- they call
olips or paints on the scope. And that
indicate the direction of the fleet,
her vehicle -- any other vessels that
approaching or that would have a impact
fleet.

Okay. You also indicated you
clean some of this machinery?

Yes.

What type of -- what machinery
a referring to?

In the very beginning, I would
the -- we'd call it a pomsey brush.
s like a paintbrush. It was about an
und thick brush, and we used to -- my
cause I couldn't touch anything, was
this out and cleaning it out. And
he -- your E-6s or E-7s that were --
work on it until they taught me what to
I was cleaning the machinery inside,
g the -- the front jackets of the --
y, I don't -- front door of the
working in the --

2 have the answer read back, please.
3 (Whereupon, the court reporter
4 read back the record as requested.)
5 BY MS. McCORMACK:
6 Q. Where was this machinery located
7 on the ship?
8 A. There was -- there was -- major
9 part of the machinery that I just talked
10 about was in the CIC room, combat room, CIC.
11 Q. Okay. Were there parts of the
12 radar system that were somewhere other than
13 the combat -- or the CIC room?
14 A. There was -- yes, there were
15 the -- the power supply was in a different
16 area, adjacent to the CIC room. Then there
17 was some component areas one deck above the
18 CIC room.
19 Q. Was there anything else in the
20 CIC room besides the radar equipment?
21 A. Status boards, DRT tables.
22 Q. Are you able to estimate for me
23 how big the CIC room was on the Champlain?
24 A. Forty by 40, 40 by 30.

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1 Q. Is that your best estimate at
2 this point?
3 A. Yes.
4 Q. Do you recall the manufacturer of
5 any of the radar equipment on the Champlain?
6 A. There was so many things that I
7 was learning as -- I was 17 years old. It
8 was the first time out of the house. So
9 everything was a new experience. There were
10 things that you would see that I've never
11 seen before. And I remember there was tubes,
12 and I remember Philco tubes, I remember
13 Westinghouse. I remember --
14 DEFENSE COUNSEL: Can we have
15 the answer read back, please.
16 MS. McCORMACK: Can he finish
17 his answer first, please.
18 Go ahead, sir.
19 DEFENSE COUNSEL: We're losing
20 audio, just so that you guys know.
21 BY MS. McCORMACK:
22 Q. Okay. Can you finish your
23 answer, sir?
24 A. There was the -- Philco I believe

COPY

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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ROSEANNE DAMON, h/w

vs.

AIREON MANUFACTURING
CORP., et al.

NO. 14-cv-01954-ER

THURSDAY, APRIL 17, 2014

VOLUME II

Continued oral deposition of
CALVIN DAMON, was held at the Hotel Fauchere,
401 Broad Street, Milford, Pennsylvania,
commencing at 10:32 a.m., on the above date,
before Deborah A. Brazukas, a Registered
Professional Reporter, Certified Shorthand
Reporter of New Jersey, License No. XI 01938,
and Notary Public.

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lacking foundation as speculation.

BY MR. SMITH:

Q. Sir, you bring up a really good point. We're asking you questions about things that happened many, many, many years ago. And I think I heard you say that you weren't sure what -- the answer I was looking for. I'm not looking for a particular answer. I just need to ask questions and find out what your memory is.

A. Yeah.

Q. So if you don't remember, that's fine. If I ask for an estimate and you say you can't think of one that's reasonable in your head --

A. Right.

Q. -- then please don't give me one. Because we definitely don't want you to speculate, you know, and try to guess. We just want to figure out what you remember.

A. Yeah.

MR. PRESENT: Objection. This was all explained to him at the very beginning of the deposition. You were

present for that instruction that was given by Carolyn McCormack. So I object to the repetitious nature of this. This is unnecessarily prolonging this deposition and costing all these different clients a lot more money.

MR. SMITH: Well, counsel, if you heard my objection, what I said was -- he said to me, what is the answer that I was looking for. Now, that says to me the he did not understand the first instruction, so I'm just repeating that.

MR. PRESENT: Well, that doesn't mean he doesn't remember. That means he doesn't understand. But I can understand why he doesn't understand your questions, because some of them are difficult for me to understand, and I'm a lawyer.

MR. SMITH: Sounds good.

BY MR. SMITH:

Q. What I'm -- but basically the point I was trying to make is we're just trying -- I'm not -- there is no answer that

1 I'm looking for. I just want you to tell me
2 what you recall or what you know. That's
3 all.

4 Okay. So --

5 MR. PRESENT: I object to that
6 as well, because I think you're looking
7 for an answer that helps you.

8 MR. SMITH: Well, I'm looking
9 for an answer that would be his best
10 estimate. Now, if he doesn't have that
11 answer, then I'll move on. And I'm
12 moving on.

13 BY MR. SMITH:

14 Q. Sir, when you -- when you were
15 operating a radar --

16 A. Yes.

17 Q. -- you only came in contact with
18 metal and plastic and rubber. Is there any
19 other materials that you can think of?

20 A. No. That's basically it.

21 Q. Okay.

22 A. You know, cop -- you know,
23 basically the internal part of the machine.

24 Q. Let's leave that aside. I'm

1 talking about just the actual sitting down on
2 the radar screen and doing the functions --

3 A. Metal box.

4 Q. -- of the CIC.

5 A. Metal box.

6 Q. Okay. And another thing that we
7 have to be careful of is speaking over each
8 other, because the court reporter can only
9 type one of us at one time.

10 So a metal box. And then if I
11 heard you right, you said the work that --
12 the items that you would work on were the
13 scopes, the ECM, you did work in the
14 auxiliary room where the big boards were
15 powered from?

16 A. Right.

17 Q. You worked on the radar in the
18 front coms?

19 A. Right. Con.

20 Q. What?

21 A. Con. Con, not com.

22 Q. Con, okay.

23 And then -- and then I think I
24 heard you say on con on level -- well, strike

1 Q. Were these done through A to Z
 2 or --
 3 A. Yes.
 4 Q. -- did you do them on your own?
 5 A. I would -- I think Tiffany's was
 6 done through A to Z. And Cheryl's was done
 7 through Homes of Distinction, part of Homes
 8 of Distinction.
 9 Q. Would -- before the homes were
 10 constructed, were these empty lots or was
 11 there --
 12 A. Yes.
 13 Q. -- a property -- or was there a
 14 building on there that needed to be torn
 15 down?
 16 A. Empty lots.
 17 Q. Okay. Were you present for the
 18 construction of either Cheryl or Tiffany's
 19 home?
 20 A. Yes, I was.
 21 Q. Were you exposed to
 22 asbestos-containing products during the
 23 construction of either Cheryl or Tiffany's
 24 home?

1 A. No.
 2 Q. I want to talk to you about one
 3 of the documents that you referenced during
 4 the first day of your deposition that you had
 5 said you had looked at, which was the caption
 6 of the Complaint.
 7 A. If that's what you call it, yes.
 8 Q. And I'll just briefly show you my
 9 copy, so in all fairness you have a copy in
 10 front of you.
 11 And I don't know that there's
 12 that much for you to read on here. But just
 13 so you know what document I'm talking about.
 14 MR. PRESENT: Has that been
 15 marked Exhibit 1?
 16 Okay, good.
 17 THE WITNESS: Yes. It looks
 18 familiar.
 19 BY MS. McCORMACK:
 20 Q. Okay. I'm just going to ask you
 21 a couple questions about that.
 22 A. Okay.
 23 Q. Do you recall when you first saw
 24 that?

1 A. I think the morning that I came
 2 here or the night before. I'm not sure.
 3 Q. Okay. And had you gone through
 4 and initialed a couple companies on there?
 5 A. Yes.
 6 Q. Why did you do that?
 7 A. Well, some -- some of the names
 8 that -- I remember. And some of the names,
 9 when I was looking at that, were the names
 10 that popped back out of my mind. And -- and
 11 I don't know who's going to object or who's
 12 not --
 13 MR. PRESENT: Don't worry about
 14 that. Just tell them.
 15 THE WITNESS: I don't care.
 16 MR. PRESENT: Just answer the
 17 question.
 18 THE WITNESS: When I -- I left
 19 high school, I was not that educated.
 20 The only thing I was able to do was
 21 communicate somewhat. Certain names, I
 22 couldn't even pronounce. I couldn't -- I
 23 didn't know how to pronounce them. So
 24 certain names stuck into my head and into

1 my mind.
 2 So when I was reviewing the
 3 list, certain names came back that I
 4 remember that -- you know, that I could
 5 pronounce or that I was able to.
 6 MS. McCORMACK: Okay.
 7 THE WITNESS: So that's why
 8 they jogged my mind.
 9 BY MS. McCORMACK:
 10 Q. Okay. And I'm going to ask you
 11 about one of the companies on there. One of
 12 the companies that you initialed was Raytheon
 13 Company?
 14 A. Yes.
 15 Q. Did you only -- tell me why you
 16 initialed that name.
 17 A. Because that's a name that was so
 18 unknown to me. So when I was in the service,
 19 that was a name that I wanted to -- I saw and
 20 it stuck out in my mind.
 21 Q. Are you able to associate that
 22 name with any ship that you were on?
 23 A. The Lake Champlain would be
 24 the...

1 Q. Are you able to associate that
2 name with any product?
3 A. I -- I saw it in a -- the housing
4 of the scope, of the radarscope, I believe.
5 Q. Okay. I'm just going to follow
6 up on that. You said I believe. Do you know
7 if you saw it in the scope of the radar, the
8 housing of the radarscope? Do you --
9 A. I believe -- I have to say I
10 believe that's where I saw it or in -- in one
11 of the components of the ECM room, which we
12 spoke about.
13 Q. Do you know which component?
14 A. I'm trying to take my mind back
15 to those years.
16 No, I can't. I can't exactly
17 put -- pinpoint which component.
18 Q. All right. Now, I just -- I
19 missed this. I just want to clarify this.
20 Do you think it was in the radarscope or the
21 component of the ECM room or both or you're
22 just not sure?
23 A. I'm not sure. I just know that's
24 one of the names I remember.

1 Q. Okay. Since you recognize the
2 name, but you can't necessarily associate it
3 with a particular product, would you agree
4 with me that you cannot associate any of your
5 exposure to asbestos-containing products with
6 Raytheon?
7 MR. PRESENT: Objection.
8 But you can answer.
9 THE WITNESS: I'm not exactly
10 sure what your question is.
11 BY MS. McCORMACK:
12 Q. Okay. I can repeat it. Thank
13 you for letting me know.
14 You told me you know the name
15 Raytheon, correct?
16 A. Yes.
17 Q. You're not sure what product you
18 associate the name with, correct?
19 A. Yes, I'm not a hundred percent
20 positive.
21 Q. And since you're not sure what
22 the product is, you can't tell me if that
23 product contained asbestos, correct?
24 MR. PRESENT: Objection.

1 But you can answer.
2 THE WITNESS: I -- I don't know
3 every product that I was exposed to had
4 or had not asbestos. I am quite
5 confident that most of the materials used
6 aboard a lake -- the Lake Champlain or
7 any other ship manufactured in the '40s
8 had asbestos. And most of the products
9 that were to prevent heat loss or control
10 heat had asbestos in them. I believe the
11 Raytheon was on a -- the back of the unit
12 when they took it apart. To tell you
13 exactly where it was, I could not.
14 MS. RIECHELSON: Move to strike
15 the nonresponsive portions.
16 MR. KATTNER: Speculative; lack
17 of foundation.
18 MR. SMITH: Yes.
19 MR. PRESENT: Don't worry about
20 what they're saying. Just answer the
21 questions.
22 BY MS. McCORMACK:
23 Q. Did you take this piece of
24 equipment apart, or did someone around you do

1 that?
2 A. As an E-4, we were able to
3 completely disassemble the equipment. As an
4 E-3, we were learning how. So as an E-3 and
5 E-4, I was around the scopes and the -- well,
6 I wasn't in the ECM room until I was an E-4,
7 but -- so yes.
8 Q. Okay. You said you thought you
9 may have seen the name Raytheon on the back
10 of the unit. How was -- how did the name
11 appear?
12 A. How did it appear? It would have
13 to be printed on it somewhere for me to
14 recognize the name or -- that -- that would
15 be it. I'd have to say that.
16 Q. Do you recall if it was directly
17 printed on the equipment itself, if it was on
18 a name plate, if it was on a sticker or
19 anything of that nature?
20 A. I'm not sure. Because I remember
21 asking one of the guys I was with how to
22 pronounce it. So I'm -- it was written
23 somewhere, but I can't tell you where.
24 Q. Do you recall who you asked how

1 to pronounce the name?

2 A. I think it was John Greer. We
3 used to call him Rosie.

4 Q. I'm sorry, what was his last
5 name?

6 A. Greer.

7 Q. Thank you. That should have been
8 clear to me.

9 MR. PRESENT: That's G-R-E-E-R,
10 Greer.

11 BY MS. McCORMACK:

12 Q. Were you around this equipment
13 just one time when it was being taken apart
14 to the best of your --

15 A. I know you have to answer -- ask
16 these questions. Every time we took apart
17 equipment. And we serviced equipment at
18 least once a month. So I -- that's the best
19 answer I could give you.

20 Q. Did you ever see any manuals from
21 Raytheon for this component part?

22 A. No.

23 Q. Did you ever see anything for
24 this component part specifying the use of

1 asbestos-containing products?

2 A. No.

3 Q. Did you ever speak with anyone
4 from Raytheon?

5 A. (The witness shakes head.)

6 Q. Is that a no?

7 A. No. Unless they were in
8 disguise.

9 Q. Do you have any reason to believe
10 they were there in disguise?

11 A. No.

12 Q. And any repairs done to this
13 equipment were done under the direction of
14 your superior officers, correct?

15 A. Repeat the question.

16 Q. Absolutely.

17 Any repairs or maintenance you
18 would have done to this component part, they
19 were done under the direction of your
20 superior officers, correct?

21 A. Petty officers, not officers.

22 They were higher ranking enlisted men.

23 Q. And these repairs or replacements
24 were done according to Navy specifications?

1 A. Yes.

2 Q. Any replacement parts were -- did
3 you just obtain them from the Naval
4 storeroom?

5 A. Yes.

6 Q. Did you personally ever order any
7 materials from Raytheon?

8 A. No.

9 Q. Okay. Were all these repairs
10 done or this maintenance done while you were
11 out at sea? And I'm talking particular to
12 the -- what you believe to be the Raytheon
13 equipment.

14 A. Repairs were done when we were in
15 port, you know, when -- we normally didn't
16 operate an exercise more than 30 days. I
17 think the longest exercise we operated was 45
18 days. So the maintenance on most of the
19 equipment was done on a 30-day cycle. Scope
20 one, scope two, scope three, scope four,
21 whatever had to be done, had to be done. But
22 it was normally done on a 30-day cycle. So
23 to answer your question, at sea, we were not
24 at our home port in Quonset Point, Rhode

1 Island. We were deployed from that point.
2 So any point after that -- leaving Quonset
3 Point was at sea. But we were not at our
4 home port. And I think I -- hopefully I'm
5 answering your question correctly.

6 Q. You are. But don't worry about
7 whether you're making me happy with the -- if
8 it's the answer I'm looking for.

9 A. I'm not trying to make you happy.
10 I'm trying to answer your question.

11 Q. Do you associate any product
12 number or any designation with this Raytheon
13 component part?

14 A. No.

15 Q. And I'm just going to ask you,
16 just because we've been talking about it a
17 little bit, do you have any recollection now
18 as to what component part it may have been
19 that you associate with Raytheon?

20 A. Unless I sat down and really
21 tried to pull apart a scope for -- I couldn't
22 tell you. I'd have to sit and try to go over
23 what I did and -- and everything. And I
24 really can't. I don't -- unless you want to

in a trance. No.

No. We're not trying to do that
I figured since we were jogging your
ory, I would take another shot, but --

I'm trying to go through
ent items in my head.

MS. McCORMACK: All right.
Damon, I'm going to take a look at my
es. I think right now those may be
questions I have. I will take a look
ny notes. And if I have anything
e, I will ask you. I will come back
to ask you some more questions about
r medical history after everyone else
had an opportunity to ask you some
stions.

THE WITNESS: Okay.

MS. McCORMACK: Thank you very
ch for your time.

MR. PRESENT: I have a couple
stions I'm going to ask just on one
e. But I'm going to do that not now
when you're done. Do you need a
s of water or are you good?

1 BY MR. PRESENT:

2 Q. Okay. Just as a general idea,
3 were you in other parts of the ship? Like
4 were you in, you know, a room or a -- where
5 you slept, in the mess hall where you ate,
6 and in other areas of the ship as well?

7 A. Yes.

8 Q. Would you say at one time or
9 another that you traveled, let's say for the
10 Independence, the entire ship?

11 DEFENSE COUNSEL: Objection to
12 form; leading.

13 MR. SMITH: Objection;
14 overbroad.

15 BY MR. PRESENT:

16 Q. Go ahead. You can answer.

17 A. The Lake Champlain and the
18 Independence or just the Independence?

19 Q. Just the Independence for now.

20 A. Pretty much, yes.

21 Q. Okay. And would the same be true
22 on the Lake Champlain?

23 A. Yes.

24 MR. SCHEETS: Same objection.

THE WITNESS: I'm good.

EXAMINATION

1. PRESENT:

Anyway, can you hear me okay?
Yes, I can.

All right. I just want to focus
time on the ships, on the
dence and the Champlain.

Yes.
With respect to your time on both
ships -- and I think this has
been gone over, but I just want to
scene a little bit. And hopefully no
object to this, since it's been
ned fairly conclusively. But would
rect that most of your time on both
ships was spent in the radar room
ou were working? Is that correct?

MS. McCORMACK: Objection to

THE WITNESS: When I was
ing, yes.

1 MS. McCORMACK: Objection to
2 form.

3 MR. SMITH: Objection; leading;
4 lacks foundation; calls for speculation;
5 overbroad as to time.

6 MR. PRESENT: Thank you.

7 BY MR. PRESENT:

8 Q. Anyway, with respect to the --
9 your time in the radar room, you spoke with
10 Ms. McCormack about taking apart scopes and
11 seeing the name Raytheon. Do you recall that
12 testimony now? It was just recently.

13 A. Yes.

14 MS. McCORMACK: Objection to
15 form.

16 BY MR. PRESENT:

17 Q. Okay. With respect to the
18 Independence, can you give me some idea how
19 often you would be either working on a scope
20 or in the vicinity of someone else working on
21 a scope where you would see the name Raytheon
22 over the course of your time on the
23 Independence?

24 MS. McCORMACK: Objection;

1 leading; foundation; misstates prior
2 testimony.

3 MR. SMITH: Overbroad.

4 BY MR. PRESENT:

5 Q. Go ahead. You can answer. Thank
6 you. Go ahead. You can answer.

7 A. When -- after a scope was opened,
8 there were -- if you were the designated
9 petty officer or seaman that would assist,
10 scopes were opened I -- every 30 days, but
11 there were so many scopes, products that were
12 opened were opened possibly once every three
13 or four days, you know, with a malfunction or
14 something like that. But a total
15 dismemberment of -- dismantling of a -- of a
16 scope, we never totally dismantled it. We
17 took the front panels off, reworked it,
18 dusted it, and everything else. So probably,
19 of the 30-day scheduled maintenance that
20 it -- one scope was shut down, but there was
21 preliminary -- partial work done on scopes
22 almost every day that had to be cleaned or
23 whatever.

24 Q. Okay. And --

1 Q. Go ahead. You can answer.

2 A. Yes.

3 Q. Okay. And when this dust was
4 there, did it come out of the same vicinity
5 where you saw that name?

6 MR. SMITH: Same objection.

7 MS. McCORMACK: Objection.

8 THE WITNESS: Yes.

9 BY MR. PRESENT:

10 Q. Okay. And when the dust was --
11 was -- when the dust came out of that area,
12 where would it go?

13 MR. SMITH: Objection; lacks
14 foundation; calls for speculation, expert
15 opinion.

16 MS. McCORMACK: Objection.

17 THE WITNESS: It -- it would --
18 when you opened up the scope, if you shut
19 the fans off prior to opening, which was
20 part of what you had to do, the -- when
21 you opened it, the -- the air that was
22 coming in, because they were primarily
23 sealed units, fairly tight, they had
24 gaskets on, everything would just come

1 MR. SMITH: Respectfully move
2 to strike nonresponsive portions and
3 portions lacking in foundation and based
4 on speculation.

5 BY MR. PRESENT:

6 Q. Don't worry about that.

7 But leaving that aside, what
8 he said -- and he's probably going to object
9 to every question I ask, even though there's
10 only been, in the State of Pennsylvania,
11 believe it or not, five reversals on
12 evidentiary grounds since I've been a lawyer,
13 which has been, you know, at least ten years,
14 maybe longer.

15 Anyway, so what I want to know
16 at this juncture is, when you would open
17 these scopes where you saw the name Raytheon,
18 you talked about this process of dusting them
19 out, would -- would this happen each time one
20 of those scopes were opened up?

21 MS. McCORMACK: Objection.

22 MR. SMITH: Objection; vague
23 ambiguous; overbroad.

24 BY MR. PRESENT:

1 out of it. And it would go to where --
2 you know, in our faces, up in the air.
3 If we didn't have a vacuum cleaner to --
4 you know, that's one of the other things
5 we did was vacuum it down.

6 MR. PRESENT: Okay.

7 THE WITNESS: Initially, when
8 you opened it, everything came out.

9 BY MR. PRESENT:

10 Q. When the dust went into the air
11 and in your face, would that have any effect
12 on your respiratory system or your
13 breathing --

14 MS. McCORMACK: Objection.

15 MR. SMITH: Objection.

16 MR. PRESENT: -- at all?

17 MR. SMITH: Vague; ambiguous;
18 overbroad.

19 BY MR. PRESENT:

20 Q. Go ahead. You can answer.

21 A. When any dust or debris comes
22 into your nose or mouth, you do breathe --
23 gag, cough so...

24 MR. SMITH: Leading objection;

1 lacks foundation; calls for speculation;
 2 move to strike as nonresponsive.
 3 BY MR. PRESENT:
 4 Q. And regardless of whether you
 5 were on -- regardless of whether you were on
 6 the --

7 (Whereupon, there was a brief
 8 interruption.)

9 (Whereupon, there was a
 10 discussion held off the record.)

11 BY MR. PRESENT:

12 Q. Anyway, when you would -- when
 13 you would, you know, do this, you know,
 14 take-apart thing with a scope and saw the
 15 name Raytheon, would this dust that you've
 16 been speaking of, would that be in the air
 17 and in your face each time that you would
 18 either -- when you would -- each time that
 19 you would work on that area?

20 MS. McCORMACK: Objection;
 21 leading; lack of foundation.

22 MR. SMITH: Objection.

23 BY MR. PRESENT:

24 Q. Would that happen each time?

1 MR. PRESENT: I get it.

2 THE WITNESS: So yes, every
 3 time something was opened, myself or
 4 anyone that was on duty at that point in
 5 time inhaled the dust.

6 BY MR. PRESENT:

7 Q. Okay. And if we were to -- if I
 8 were to ask you the same questions about
 9 Raytheon and this various activity of taking
 10 apart scopes in terms of its frequency and
 11 its effect on the air, would your answers be
 12 the same for the Champlain that they are for
 13 the Independence?

14 MS. McCORMACK: Objection.

15 MR. SMITH: Same objections.

16 BY MR. PRESENT:

17 Q. Go ahead. You can answer.

18 A. Yes.

19 Q. At any time when you would look
 20 at any of the Raytheon name on -- on this
 21 equipment, when the scopes were being taken
 22 apart, and dust and such, did you ever see
 23 any kind of, you know, big bold warning or
 24 skull and cross bones that said, be careful,

1 A. Yes.

2 Q. And how about if you weren't
 3 working on it but one of your colleagues,
 4 another E-4 or whatever would be working on
 5 it, would you also have -- would the dust
 6 also have an affect on you when you were in
 7 the vicinity of someone else doing that job?

8 MS. McCORMACK: Same
 9 objections.

10 MR. SMITH: Objection; vague;
 11 ambiguous; overbroad; lack of foundation;
 12 calls for speculation, expert opinion.

13 THE WITNESS: I have to clarify
 14 what I'm saying. You're in an area
 15 that's no bigger than this room.

16 MR. PRESENT: Okay.

17 THE WITNESS: When anything
 18 happened, there was no windows. Now,
 19 we're in the midship. There's no
 20 ventilation other than what's in there
 21 and it's recycled air. So if you open
 22 something back by that window, which was
 23 20 or 30 feet, it was contained in the
 24 same area that you were working.

1 dust from this item or from this area could
 2 potentially cause cancer and is hazardous to
 3 your health? Did you ever see anything like
 4 that on there?

5 A. No.

6 MS. McCORMACK: Objection to
 7 form.

8 MR. SMITH: Vague and
 9 ambiguous; overbroad.

10 THE WITNESS: The only warnings
 11 that were on --

12 MR. PRESENT: I --

13 THE WITNESS: Okay.

14 BY MR. PRESENT:

15 Q. In any event, did you see any
 16 warnings telling you that you could get lung
 17 cancer from that dust? That's what I want to
 18 know.

19 A. No.

20 Q. Okay.

21 MS. McCORMACK: Objection to
 22 form.

23 MR. SMITH: Same objections,
 24 plus leading.

1 BY MR. PRESENT:

2 Q. Just give me a moment, Mr. Damon.

3 You -- when you talked about
4 opening up these scopes and seeing the -- or
5 recalling seeing the name Raytheon, earlier
6 you had mentioned, when you were discussing
7 this either with Ms. McCormack or myself,
8 that you -- when you would open that up, you
9 would see materials such as gaskets and thus
10 and such. Do you remember that?

11 MR. SMITH: Assumes facts not
12 in evidence; misstates testimony.

13 THE WITNESS: Yes.

14 BY MR. PRESENT:

15 Q. Okay. Was it ever your job or
16 anyone else's job that was with you to either
17 alter or replace those gaskets that you saw
18 when you opened up that equipment?

19 MS. McCORMACK: Objection.

20 THE WITNESS: Yes.

21 MR. SMITH: Leading.

22 BY MR. PRESENT:

23 Q. And was that all part of this
24 same area where you saw the name Raytheon?

1 MR. SMITH: Leading.

2 THE WITNESS: Yes.

3 BY MR. PRESENT:

4 Q. Okay. Can I just ask you one
5 question, and you may or may not be able to
6 do this. But I want to take you back in time
7 to where you're at -- you know, in the radar
8 room, pulling apart for maintenance or repair
9 one of these scopes, seeing the name
10 Raytheon, seeing the gaskets, seeing the dust
11 that you've described. Are you able to tell
12 us as a group what else you remember seeing
13 in that area? Is there anything else that
14 you can describe for me?

15 MR. SMITH: Objection.

16 MS. McCORMACK: Objection.

17 MR. SMITH: Leading; vague;
18 ambiguous; overbroad; asked and answered.

19 MR. PRESENT: Go ahead. It's a
20 perfect question, so he can answer it.

21 MR. SMITH: Calls for
22 speculation.

23 THE WITNESS: When you opened a
24 scope or any electrical equipment, when

1 you remove it, you -- as a 17, 18, 19
2 year old person, there's all the wire and
3 the tubes and the gaskets and -- and
4 there was some air filters on it. There
5 was fans. So when you opened it, you saw
6 everything that was there.

7 MR. PRESENT: Okay.

8 THE WITNESS: You know, you
9 were looking at a -- the top of it looked
10 like a TV tube. And then it came down
11 and there was your tubes and your wires
12 and your gaskets. And -- and you
13 sealed -- if you had a leak, you could --
14 the ground dust would create
15 contamination in the unit, so you had to
16 repair it. Anything that was wrong when
17 you serviced, you checked everything.

18 MR. PRESENT: Okay.

19 MR. SMITH: Objection; move to
20 strike the portions -- nonresponsive
21 portions.

22 MR. PRESENT: All right. And I
23 appreciate your taking the time to answer
24 my questions as well. I may have some

1 others at some point in the future.

2 Ms. McCormack may have a few more, based
3 on my questions. But I appreciate your
4 cooperation and your time.

5 THE WITNESS: Can I take five?

6 MS. McCORMACK: That was going
7 to be my first question, did you need a
8 break. Absolutely.

9 (Whereupon, a brief recess was
10 taken.)

11 - - -
12 EXAMINATION
13 - - -

14 BY MS. McCORMACK:

15 Q. Mr. Damon, I just have a few
16 follow-ups on Mr. Present's questions.

17 Am I correct that you told me
18 before you only recall the Raytheon name in
19 connection with the Lake Champlain?

20 A. The most --

21 Q. Or are you not sure what ship?

22 A. I -- I am -- I am sure it was on
23 the Lake Champlain. I can't say I remember
24 it as distinctly on the Independence.

1 It's -- it -- it was -- the scopes were the
 2 same. They were updated a little bit more.
 3 But none of the components have changed from
 4 one -- the Lake Champlain or the
 5 Independence. But you're more -- as you work
 6 on these things, you're more used to the
 7 components. So you don't look at the
 8 components as startling as they were when --
 9 the first time I opened these things and was
 10 dazed by the complexity of one of these
 11 things at 17, 18 years old. Then it just
 12 became second nature, you did this, you did
 13 that so...

14 Q. Okay. So it's fair to say you
 15 recall the name Raytheon on the Lake
 16 Champlain?

17 A. Yes.

18 Q. And on the Independence you're
 19 not sure?

20 A. I -- I'm -- yeah, I -- I have to
 21 say yes, because they were -- you know, it
 22 was -- did it stick out -- like I said
 23 briefly, did it stick out? No. But it was
 24 there. It was the same components. So I --

1 I'm saying yes, that it was on both ships.

2 Q. Okay. And you don't recall which
 3 component it was on either ship, correct?

4 (Whereupon, there was a brief
 5 interruption.)

6 THE WITNESS: I'm sorry.

7 MS. McCORMACK: Do you want me
 8 to ask the question again?

9 THE WITNESS: Yes, please.

10 BY MS. McCORMACK:

11 Q. You do not recall the component
 12 part for -- that you associate with Raytheon
 13 on either ship, correct?

14 A. The exact component, I would --
 15 I'm trying --

16 DEFENSE COUNSEL: Can we
 17 interrupt you. We have been missing the
 18 last two minutes of testimony.

19 Can you hear me?

20 MS. McCORMACK: We can hear
 21 you.

22 DEFENSE COUNSEL: Can the
 23 reporter just read back since the break?

24 MS. McCORMACK: Since the break

1 he recalls the Raytheon name on the
 2 Champlain and the Independence, but not
 3 as strongly on the Independence as the
 4 Lake Champlain. That's as far as we got.

5 DEFENSE COUNSEL: Okay, great.

6 Thanks. Appreciate it.

7 BY MS. McCORMACK:

8 Q. You don't know what the component
 9 part is that you associate with Raytheon,
 10 correct?

11 A. It was on the -- as I'm thinking,
 12 as you ask me to recall, I -- to the best of
 13 my recollection, it was on the plate of
 14 the -- the removal plate. So it was
 15 somewhere on the plate itself, the -- the
 16 front, the side, the back. It was on a
 17 plate.

18 Q. And when you say the plate, what
 19 are you referring to?

20 A. It's the cover.

21 Q. Just the cover?

22 A. It's the front, it's the back,
 23 it's the side, the plates.

24 Q. Okay. And you don't recall which

1 plate it was?

2 A. No.

3 Q. Okay. And you only removed and
 4 replaced the component parts, correct? You
 5 did not open and repair any of the internal
 6 parts in a component part, correct?

7 A. No. If I'm -- understood your
 8 question correctly, when you take apart the
 9 scope, you -- if you -- if you're working on
 10 the front part, you're taking off the front.
 11 When you're working on the rear part, you
 12 take off the rear. And you're working on
 13 everything inside the scope itself.

14 Q. Okay. And I -- you told us the
 15 other day you did not have any training in
 16 repairing or replacing the internal --

17 A. As an E --

18 Q. -- internals of the component
 19 parts?

20 A. I was on-the-job training as an
 21 E-3, working alongside an E-4 and E-5. I
 22 didn't go to a A school, a radar A school.

23 Q. And Mr. Present talked to you a
 24 bunch about some dust that you associated

1 with the inside of these component parts. Do
2 you know the composition of any of that dust?

3 MR. SMITH: Asked and answered.

4 THE WITNESS: Dust.

5 BY MS. McCORMACK:

6 Q. Okay. But you don't know what
7 the dust was -- was made of, correct?

8 A. It would be an assumption on my
9 part.

10 Q. Okay. And you mentioned you saw
11 the name Raytheon on the -- one of the
12 plates. How big was the name?

13 A. Approximately two inches.

14 Q. Was it in block print? Was it in
15 cursive, capital letters, small letters?

16 A. I was thinking of that when you
17 just said it, when the other attorney asked
18 me that last week with the -- with the
19 Philco, you know, was it block or was it
20 cursive. And it was just a fancy P. I would
21 have to say it was, you know, bold print
22 when -- to his question. I believe it was
23 just print. I don't believe it was script or
24 anything real fancy.

1 Q. Do you associate any color with
2 it?

3 A. Black.

4 Q. Was there any other writing there
5 besides the word Raytheon?

6 A. There was -- there was Raytheon;
7 then some numbers next to it. And then I
8 think it repeated itself.

9 Q. Do you recall any of the numbers
10 that were next to Raytheon?

11 A. Zero through nine.

12 MS. McCORMACK: I believe those
13 are all the questions I have at this
14 point. Thank you very much for your
15 time, Mr. Damon.

16 - - -

17 EXAMINATION

18 - - -

19 BY MR. PRESENT:

20 Q. Mr. Damon, I'm just going to
21 focus for a minute in terms of my follow-up
22 questions to Ms. McCormack's questions on the
23 dust that you were talking about. She asked
24 you at -- and I'm just doing this to kind of

1 like focus on the point that -- at the
2 questioning where Ms. McCormack was asking
3 you about dust. But when she asked you about
4 the dust, she said to you, Mr. Damon, you
5 can't really tell me what the component parts
6 of the dust was. Do you remember her asking
7 you that?

8 A. Yes.

9 Q. Okay.

10 MS. McCORMACK: Objection to
11 form.

12 BY MR. PRESENT:

13 Q. The dust that you saw, was that
14 dust only visible when the -- the area was
15 opened and the -- you know, the front was
16 taken off the -- the equipment in order to do
17 the maintenance or make the repairs? Is that
18 when the dust came out of there?

19 MS. McCORMACK: Objection;
20 misstates prior testimony; lack of
21 foundation.

22 THE WITNESS: Yes.

23 MR. SMITH: Objection to form.

24 BY MR. PRESENT:

1 Q. Okay. And just based on what you
2 saw, do you believe, from what you saw,
3 that -- or do you know from what you saw that
4 any of the dust that emanated from the area
5 where you saw the name Raytheon came from
6 whatever was part of that equipment?

7 MS. McCORMACK: Objection.

8 MR. SMITH: Objection; vague
9 and ambiguous.

10 THE WITNESS: Yes.

11 MR. PRESENT: All right.

12 That's the only question I have then.
13 Nothing else.

14 MS. McCORMACK: I do not have
15 any more questions. Thank you.

16 (Whereupon, there was a
17 discussion held off the record.)

18 (Whereupon, a lunch recess was
19 taken.)

20 - - -

21 EXAMINATION

22 - - -

23 BY MR. KATTNER:

24 Q. Ready to resume, Mr. Damon?

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CALVIN DAMON and
ROSEANNE DAMON, h/w

vs.

AIREON MANUFACTURING
CORP., et al.

ORIGINAL

NO. 14-cv-01954-ER

MONDAY, APRIL 28, 2014

Videotaped deposition of
CALVIN DAMON, was held at the Hotel Fauchere,
401 Broad Street, Milford, Pennsylvania,
commencing at 2:02 p.m., on the above date,
before Deborah A. Brazukas, a Registered
Professional Reporter, Certified Shorthand
Reporter of New Jersey, License No. XI 01938,
and Notary Public.

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give me five minutes.

MR. PRESENT: No. You know what, Mr. Damon has not been feeling well. He's been coughing frequently. He's been here a long time today asking questions. He's expecting a grandchild today. I am not going to delay this any further. Okay. That is my position. And I'm not changing it.

MR. SMITH: Okay. Just for the record --

MR. PRESENT: Just so you understand.

MR. SMITH: Okay. Will you let me speak for once and stop --

MR. PRESENT: I have never stopped you from speaking.

MR. SMITH: Okay. Well, let's try it one more time. Just for the record, if plaintiff's counsel's offer was actually valid, I think he could spare a few minutes while I look into this. He's saying he can't. And that leads me to believe that he's just trying

to create a record that doesn't really rely on anything in fact.

MR. PRESENT: Well, I object to that accusation. If you don't -- if you're going to enter into this deposition, you should have knowledge of the law and what works and what doesn't work.

MR. SMITH: And I can't make speaking objections -- I can't make objections that -- what is -- show me the rule where I can't make objections, Eliot? Show me -- point to me a case, anything --

MR. PRESENT: You know what, I did not know you were not going to be familiar with the rules, and I didn't bring a rule book today.

MR. SMITH: I'm very familiar with the rules.

MR. PRESENT: I'm letting you know what my offer is. I'm not going to delay this any further. Make your objections as you see fit.

MR. SMITH: Okay.

MR. PRESENT: And it is a legitimate offer. And I object to you making that comment about me.

MR. SMITH: Well, then you should give me two minutes.

MR. PRESENT: I'm not. It's going to take you a lot longer than two minutes, Mr. Smith. And I'm not delaying this for you to do legal research.

MR. SMITH: It's not legal research.

MR. PRESENT: Okay, fine. Well, we're going to proceed.

Can you read me back the last questions, please.

(Whereupon, the court reporter read back the record as requested.)

THE VIDEOTAPE OPERATOR: The time is 2:25 p.m. We are back on the record.

BY MR. PRESENT:

Q. Mr. Damon, with respect to your exposure in the radar room, do you happen to

remember any of the names of the equipment that you encountered while you were in the radar room?

MS. RIECHELSON: Objection; form.

MS. McCORMACK: Objection; form.

MR. SMITH: Objection; foundation; calls for speculation.

THE WITNESS: The names that I recalled was the Philco, the Bendix, Westinghouse, and Raytheon.

BY MR. PRESENT:

Q. Okay. With respect to the Raytheon equipment, did you work on Raytheon equipment?

MS. McCORMACK: Objection; form.

THE WITNESS: The equipment was -- Raytheon, I -- I -- as I remember, was a -- a coating, a gasket. It wasn't an equipment. It was a protective-type thing. That's all I remember.

MR. SMITH: Respectfully move

like the nonresponsive portions.

PRESENT:

Okay. And in what part of the
room was this?

MR. SMITH: Objection;
overbroad.

PRESENT:

The Raytheon material that you're
talking about.

It was -- I believe it was in the
rooms themselves.

Okay. And with respect to that
would you work on those scopes?
Yes.

How frequently during the two
years the Champlain would you -- Lake
Champlain would you work on those scopes?

MS. McCORMACK: Objection to
leading.

THE WITNESS: The -- the
maintenance that was done on the
equipment in the radar room, ECM room,
mess room, adjacent utility room, was a
scheduled per piece of equipment just

1 MR. SMITH: Objection; lacks
2 foundation; calls for speculation --
3 THE WITNESS: Yes.
4 MR. SMITH: -- calls for expert
5 opinion.

6 THE WITNESS: Yes.

7 BY MR. PRESENT:

8 Q. And in what way did it affect the
9 atmosphere?

10 MR. SMITH: Same objections.

11 THE WITNESS: Dust, dust and
12 dust.

13 BY MR. PRESENT:

14 Q. Okay. And -- and where would
15 that dust come from?

16 MR. SMITH: Same objections.

17 THE WITNESS: Inside the
18 equipment as it was being opened or
19 removed.

20 BY MR. PRESENT:

21 Q. And when -- when that would
22 occur, would that have any effect on you?

23 MS. McCORMACK: Objection;
24 leading; foundation; calls for expert

every 30 days. But when you had
5 pieces of equipment, 30 pieces of
equipment, there was basic maintenance
on one or more of the equipment on a
basis or every other day.

At sea, they were done less
frequently -- less frequent than in port.
so that every day something was
being done somewhere in those three
years.

MR. PRESENT: Okay.

MR. SMITH: Respectfully move
to strike the nonresponsive portions.

THE WITNESS: I'm sorry.

PRESENT:

That's all right.

With respect to the -- the
equipment that you associate with the name
Raytheon, when you would work on that
equipment, the work that you did on that
equipment, did that affect the atmosphere in
any way?

MS. McCORMACK: Objection;
leading.

1 testimony.

2 MR. SMITH: Same objections.

3 THE WITNESS: Yes. Inhaling
4 any dust or debris has an effect on you,
5 coughs. And you wave your hand to get it
6 away from you.

7 BY MR. PRESENT:

8 Q. Okay. And with respect to that,
9 was that a situation that occurred each and
10 every time you worked on a piece of equipment
11 that you associated with the name Raytheon or
12 a product that you associated with the name
13 Raytheon?

14 MS. McCORMACK: Same
15 objections.

16 MR. SMITH: Same objections,
17 plus overbroad plus leading.

18 THE WITNESS: More times than
19 not if we had to work on a piece of
20 machinery the next day to change a part
21 that we didn't have, it wouldn't -- we
22 already cleaned a piece of machinery, the
23 very next day it wouldn't happen. If the
24 machinery sat for a week or two or three

weeks or four weeks, all the dust that was in there came -- came out.

Y MR. PRESENT:

Q. With respect to this dust, do you have knowledge now about the dust that you are exposed to in this activity was your bestos -- was made of asbestos or --

A. Now I do.

MR. SMITH: Objection; overbroad.

Y MR. PRESENT:

Q. And did you see any kind of burning on any on the Raytheon equipment telling you that -- that this dust could ever cause lung cancer or make you sick?

A. No. The only --

MS. McCORMACK: Objection; leading.

MR. SMITH: Overbroad.

THE WITNESS: -- the only warnings that were on any equipment were shock warnings, electrical shock warnings.

Y MR. PRESENT:

equipment on -- on something else, you just work on it. You're not paying as much attention on names or -- or, you know, just, you know, the circuitry may change a little bit and you -- but that's what you're doing.

MR. SMITH: Respectfully move to strike the nonresponsive portions.

BY MR. PRESENT:

Q. Okay. With respect to the work that you associate with the name Raytheon, were you in one of the three rooms that you talked about, the radar room, the pomsey room, the utility room, were you in those rooms when other individuals worked on things that you associated with the name Raytheon as well?

MS. McCORMACK: Objection to form.

MR. SMITH: Vague; ambiguous; overbroad.

THE WITNESS: When we were at sea, we were on port and starboard shifts. And that meant four hours on and

Q. Okay. With respect to this -- these scopes that you associate with the name Raytheon, would you have encountered the same time and engaged in the same activity when you were on the Independence as well?

MS. McCORMACK: Objection; leading; lack of foundation.

MR. SMITH: Vague; ambiguous; overbroad.

THE WITNESS: As -- as I stated earlier, I don't know if it's part of this, the Lake Champlain and the Independence were two different styles of aircraft carrier, but they were aircraft carrier. The equipment on the Lake Champlain was very similar, if not the same on the lake -- on the Independence. The Independence may -- had some newer versions of -- of radarscopes and equipment than on the Lake Champlain. And when you're working on a piece of machinery that you've seen, I'm -- I'm saying every day for a couple years, when you see that same or similar piece of

four hours off. So at least 12 hours of the day I was in one, if not all of these rooms, including lookout stations through my watches.

BY MR. PRESENT:

Q. Okay. And did -- with respect to your time at sea, would you -- can you tell us where the Lake Champlain went to during your career on the ship?

A. We did a North Atlantic anti-submarine warfare exercise. Then we did -- went -- went to the Mediterranean, and we also were on site for the recovery of Gemini III and Gemini V.

Q. Okay. With respect to the -- the Raytheon-associated product, did you actually -- when you were not maintaining it, did you actually use that equipment also while you were on the ship?

MS. McCORMACK: Objection to form; leading.

THE WITNESS: The --

BY MR. PRESENT:

Q. As a -- as a radar man?

MR. SMITH: Objection; vague; ambiguous.

THE WITNESS: As a radar man you were operating the equipment that contained the Raytheon, yes.

BY MR. PRESENT:

Q. All right. You also mentioned the name Westinghouse. Did you work on equipment that was labeled Westinghouse?

A. Yes.

Q. And with respect to your work on the Westinghouse equipment, can you explain what kind of work you would do and how frequently that would happen?

A. It was -- the equipment Westinghouse was maintained similar to all the other equipment. We worked the same cleaning schedule, the same repair schedule, the same down time on every piece of equipment that we worked with.

Q. Okay. And what -- can you describe this Westinghouse equipment that you worked on, what -- where was it and what did it look like?

1 the equipment labeled Westinghouse, would you
2 have to take any of the equipment apart?

3 MR. SMITH: Objection; leading.

4 THE WITNESS: You're taking --
5 you're disassembling -- you're -- you're
6 taking apart the units to work on the
7 insides of them, yes.

8 MR. SMITH: Ambiguous.

9 BY MR. PRESENT:

10 Q. Okay. And when you would do
11 that, would that process on the Lake
12 Champlain affect the atmosphere in any way?

13 A. Yes.

14 MR. SMITH: Objection; vague;
15 ambiguous; overbroad; calls for expert
16 opinion; lack of foundation; speculation.

17 BY MR. PRESENT:

18 Q. And how would it affect the
19 atmosphere?

20 MR. SMITH: Same.

21 THE WITNESS: Dust, debris.

22 BY MR. PRESENT:

23 Q. And would that have any effect on
24 you?

MR. SMITH: Objection;
compound.

THE WITNESS: I believe -- I believe it was the -- a component of the scopes.

BY MR. PRESENT:

Q. Okay. And where was it located?

A. On every scope.

Q. Okay. And how often would you be working on Westinghouse equipment?

A. You're sitting in front of the scopes during your 12-hour shifts, whichever scope, your -- whatever scope needed to be maintained was shut down and it was worked on. It was -- they -- you couldn't move them. So you would shut down, and you would work on that scope, and the scope -- and I'm just using a number. I'm not saying exactly this is the way it was, scope one, two, or three, they'd shut down scope one; you'd work on one. They'd energize scope two or three to -- that would take the place of the scope that was working on.

Q. Okay. And when you would work on

1 A. Myself and anyone else that was
2 in the -- the immediate vicinity.

3 MR. SMITH: Same.

4 BY MR. PRESENT:

5 Q. What sort of effect would it have
6 on you?

7 MR. SMITH: Same.

8 THE WITNESS: You're working on
9 something, a puff of smoke comes out,
10 you're there, you're trying to wave it
11 around. You hold your breath and just
12 try to wave the debris or the dust away
13 from you.

14 BY MR. PRESENT:

15 Q. Okay. And did this happen every
16 time you worked on Westinghouse equipment?

17 MR. SMITH: Same; also
18 overbroad.

19 MR. KATTNER: Objection.

20 THE WITNESS: When you opened
21 the components up, yes. When you were
22 working on the face, no.

23 BY MR. PRESENT:

24 Q. Okay. And -- and how frequently

EXHIBIT C

COPY

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS

LIABILITY LITIGATION (No. VI)

CALVIN DAMON and ROSANNE DAMON, h/w, .

Plaintiffs,

Vs.

AIREON MANUFACTURING
CORP., et al.

Defendants.

Transcript of the continued videotape deposition of CALVIN DAMON, called for Oral Examination in the above-entitled action, said deposition being taken by and before MICHAEL R. MONAHAN, a Registered Professional Reporter and Notary Public, held at the Best Western Inn at Hunt's Landing, 120 Routes 6 & 209, Matamoras, Pennsylvania, on November 18th, 2014, commencing at 10:30 in the morning.

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1 A The ECM room was off the radar room.
2 There was probably, it was all electronic equipment,
3 I'm going to say a bank of probably six.

4 Q Was there any major difference between
5 the two ships?

6 MR. SMITH: Objection, vague and --

7 MR. PAUL: Excuse me, let me finish my
8 question. I know you want to, I know that you
9 enjoy objecting, but you have to wait until I
10 ask the question first.

11 MR. SMITH: I enjoy doing my job. There
12 was a pause and I thought you were, so I
13 apologize.

14 MR. PAUL: I'm so happy for you.

15 Q Again my question was, was there any
16 difference, you talked about how many there were,
17 radar scopes, and my question was, was it the same
18 number of radar scopes on the two ships or was there
19 a difference in the number of radar scopes between
20 the two ships.

21 MR. SMITH: Objection --

22 A There was probably more on the
23 Independence because it was a larger ship and a
24 newer ship.

25 Q If we said, you said let's see, eight,

1 Q I have one more question about tubes and
2 radar scopes, which it occurs to me we didn't ask.

3 How many tubes are there in each radar scope?

4 MR. SMITH: Objection, vague and
5 ambiguous, or do they vary? Leading.

6 A I would say there's, between junction
7 boxes which are a form of circuitry, probably
8 around, probably about 15 different tubes and other
9 junction boxes.

10 Q In each one?

11 A Yes.

12 Q Does it make a difference, are there a
13 different number of tubes in each radar scope,
14 whether it was the Lake Champlain or the
15 Independence?

16 MR. SMITH: Objection, leading.

17 A There aren't, there is not. There are
18 different scopes but there are not different tubes.

19 MR. PAUL: I want to move on to some other
20 areas that I want to talk about. Within the
21 last couple of weeks I provided to defense
22 counsel certain documents which I want to go
23 over. I'm going to mark them as 1,
24 Plaintiff's 1. I'm going to identify each
25 page however for the record, which should be

1 if I counted right from what you said, about 16
2 radar scopes on the Lake Champlain. How many were
3 there on the Independence?

4 MR. SMITH: The same objection.

5 MS. BRIDDELL: Speculation.

6 A Probably a half a dozen more.

7 Q You mentioned this palmsy, did the
8 palmsy brush, did it use the term P-O-M-S-E-E, does
9 that sound familiar, do you know what that word
10 means?

11 MR. SMITH: The same objection.

12 A No.

13 Q The dust that you described, did that
14 happen every time you removed a tube?

15 MR. SMITH: Objection, vague, ambiguous,
16 misstates testimony.

17 MS. BRIDDELL: Asked and answered.

18 A Every time you opened the machine, yes.

19 MR. PAUL: Okay.

20 THE VIDEOGRAPHER: The time is now 2:02
21 P.M. We're off the record.

22 (A brief recess was taken.)

23 THE VIDEOGRAPHER: Time is now 2:10 p.m.

24 We're on the record.

25 BY MR. PAUL:

1 relatively clear and then I'll give it to the
2 court reporter at the end.

3 The first --

4 MS. REICHELSON: I just want to place an
5 objection on the record, to the extent that
6 any questions are beyond the scope of the
7 testimony today.

8 MR. SMITH: I join.

9 MS. REICHELSON: I move to strike any
10 testimony that arises out of these questions.

11 MR. SMITH: Join.

12 Q Sir, earlier in this deposition you
13 testified that I had given you some documents to
14 look at?

15 A Yes.

16 Q Last night. Are these those documents?

17 A Without looking at every one, I would
18 say yes.

19 MR. SMITH: Objection, leading, and I
20 believe it also misstates testimony to the
21 extent that plaintiff has, Mr. Damon at his
22 last deposition I believe said they he looked
23 at records before his first deposition without
24 Mr. Present --

25 MR. PAUL: That's right.

MR. SMITH: I didn't know that was you.

MR. PAUL: I'm not Mr. Present.

MR. SMITH: Yes, that's right.

MR. PAUL: These are the documents that he looked at last night.

MR. SMITH: Last night.

MR. PAUL: That's right, that's what we're talking about.

MR. SMITH: Okay.

MR. PAUL: I'm not going over anything that we went over the last time.

BY MR. PAUL:

Q The first document is called Instruction Book for Radar Set AN/SPN-12(XN-1) from the Raytheon Manufacturing Company. And I will represent, although it's clear from the documents, that these are from the National Archives.

You talked about Raytheon in the last deposition, as I recall?

A Yes.

Q When you looked through these documents was there anything, and I'll stick to the first, that particular one first. Was there anything about this document, that is, the one for the AN/SPN-12 that looked familiar to you, sir?

clear, you talked about ECM equipment the last time.

Is this the kind of thing you were talking about or is it a different piece of equipment?

MR. SMITH: Objection, leading.

A That's part of the bank of equipment that I mentioned.

Q Did you ever have to open this particular piece of equipment up?

MR. SMITH: Objection, it lacks foundation, it calls for speculation, assumes facts not in evidence.

MS. McCORMACK: Objection.

MR. PAUL: How can it lack foundation if he personally did something, counsel?

MR. SMITH: He doesn't even know if he worked on this piece of equipment.

MS. McCORMACK: Objection.

MR. PAUL: I just want to make sure I understand the nature of your objection. Go ahead.

A Basically every piece of equipment in the ECM room, and basically every piece of equipment in the CIC, forward CON, the CON, at one point in my naval career I worked on just about every piece of equipment there.

MS. McCORMACK: Objection to the form.

MR. SMITH: Objection, leading.

A I'm looking through it, and again I'm a visual individual and I saw a piece of equipment that looked familiar.

Q And that's the document that's marked Section 3, Paragraph 4, Confidential Navships 91778(A). What is this piece of equipment, sir?

A I can read what it says, it says it's a gyro compass. It's part of the IFF equipment or the ECM equipment.

Q Did you personally work on this particular equipment?

MS. McCORMACK: Objection, asked and answered.

MR. SMITH: Leading.

A It may not be this exact piece of equipment, but something very similar to this.

Q Tell us about the piece of equipment that you worked on, is it something that you told us about before or is this a different piece of equipment?

A This is one of the pieces of equipment that would be in the ECM room.

Q Is this the kind of, just so that we're

MR. SMITH: Objection, move to strike portions lacking foundation, based on speculation and non-responsive.

MR. PAUL: Let's agree that you have that objection to every question, so you don't have to keep saying it each time.

MR. SMITH: I'm not sure that there's that basis in law for that.

MR. PAUL: Alright.

Q What did you do with the piece of equipment -- did you know whether it was Raytheon that you worked on specifically, because you mentioned Raytheon before. Did you work on a Raytheon piece of equipment that looks like what's pictured in Radar Set AN/SPN-12?

A Yes.

MS. McCORMACK: Objection.

MR. SMITH: Assumes facts not in evidence.

Q Tell us what you did with that piece of equipment?

(Discussion off the record)

Q Do you understand the question?

A Yes, I do.

Q Okay.

A I worked on, I'm saying 99 percent

Q. Okay.

A. Sometimes if you didn't have an assistant, you know, there wasn't -- it was you and an E-5, the machine broke down, you had to open it up and take it apart.

Q. Understood.

Could you provide your best estimate of what percentage of time as an E-4 you would have done, quote, unquote, E-3 duties, such as dusting and all those duties that you talked about earlier today as an E-3, working with the radar?

A. (No response.)

MR. PRESENT: Do you understand the question, Mr. Damon?

THE WITNESS: I'm trying to -- to understand and define your -- your question to me.

BY MR. SMITH:

Q. Let me restate it. I'm just trying to figure out what percentage of time when you were an E-4 you were -- spent actually -- and this is with respect to work on radar equipment.

1 him.

2 THE WITNESS: If, when I open
3 the machine -- and we were around the
4 machines every four; four hours on, four
5 hours off. If something was leftover
6 from the shift before, you had to take it
7 over. When you're out at sea for 30 and
8 45 days at a time, you're constantly in
9 front of these machines. You are
10 opening. You're trying to get them to
11 breathe. You're trying to work on the
12 down machine. When the down machine is
13 off, you -- you go in another room and
14 shut down all the power.

15 But you're not always a grunt.
16 You know, just because you have a rank
17 doesn't mean -- in my case, it didn't
18 mean that I was going to let somebody
19 else do all the dirty work. I had to
20 pitch in. So I -- I am not that type of
21 person. That's the reason I would have
22 never made a good officer.

23 But I was -- I'd have to say
24 80 percent of the time I was involved in

A. Right.

Q. I'm trying to figure out what percentage of your time you would have been actually repairing equipment versus doing cleanup of the work?

A. Every time you repaired the equipment, the equipment had to be cleaned to -- to properly work on it. Sometimes there was somebody there to help, and other times there wasn't. I'd have to say 50/50, if that's a good answer for you.

Q. If that's your best estimate, that's a good answer.

A. I -- I would have to say it -- probably -- it's not 50/50. I don't know how to answer the question --

Q. Well --

A. -- exactly the way you're asking it.

Q. Okay. Let me ask --

A. And I don't mean to be rude, okay.

MR. PRESENT: Please don't interrupt him. Please don't interrupt

1 all parts of it. More often, I would
2 say, when I was an E-3, I was doing more
3 of the dirty work on a consistent basis.
4 But as -- when I became an E-4, I was
5 still doing all the work beside my guys.
6 So I wasn't -- I was -- didn't designate
7 the same crap jobs that somebody gave to
8 me.

9 I'd have to say 80 percent, if
10 you're looking for a number, of the time
11 I was involved with the machinery,
12 opening it and closing it; actually
13 vacuuming it, if there was a vacuum
14 there or a brush there that somebody
15 didn't get, I would have to do it.
16 You're working on stuff that gets dusty
17 real quick.

18 MR. SMITH: Sure.

19 THE WITNESS: And you have to
20 keep it clean.

21 MR. SMITH: Okay. And just --
22 I have to make statements for the record.
23 Respectfully move to strike
24 non-responsive portions and portions

1 because there's probably one piece of machinery that
2 I didn't work on that wasn't in my bailiwick of what
3 I did. I've taken apart every one of these things.

4 MR. SMITH: The same objection.

5 Q What happened when you took apart the
6 piece that looked like this piece?

7 A You try to remove the front cover first,
8 and then, some of the stuff was on a rack so some of
9 the stuff had handles you pull out, some you didn't.
10 They were on the end because you could work on them.
11 When you're taking apart the equipment it was
12 de-energized, that was the best time to take it
13 apart and you would, do you want me to show you?

14 MR. SMITH: The same motion.

15 Q Yes, go ahead.

16 A We had different vent areas that were
17 for aeration coming through. The back of the area
18 and the side of the area where the heavily, where
19 mostly dust would accumulate because it didn't have
20 the proper flow, you would take it apart, you would
21 try to undo the front screen and then that would
22 expose certain elements. Some of the units you
23 would be able to pull out the instruments from once
24 you've removed the cover. Some you had to take off
25 the sides, some you had to take off the backs. I

1 would intensify or brighten or raise the meter up
2 based on what's happening in the air.

3 Q This document references cables. Do you
4 know what that is, what the cable is?

5 MR. SMITH: Objection, vague, ambiguous.
6 Leading, over broad.

7 A Cables?

8 Q Cables, yes.

9 A Your items were powered and one would
10 attach to the other and transfer information.

11 Q What was the condition of this piece of
12 equipment when you opened it up?

13 MR. SMITH: Leading, vague and ambiguous.

14 MS. McCORMACK: Objection.

15 A The condition? They were there 10, 15
16 years before I got there, so some of them were
17 chipped, some of them were repainted. Some were,
18 when I opened up a piece of equipment, I wasn't
19 looking at the age of the equipment, I was looking
20 in and I would pull out a schematic and see what
21 needed to be replaced and tried to find it and trace
22 it.

23 MR. SMITH: Objection, move to strike
24 non-responsive portions.

25 Q What was the condition when this radar

1 don't know if I answered the question, but that's
2 how you did it.

3 MR. SMITH: Move to strike on the same
4 grounds.

5 Q When you talk about elements, would you
6 explain to the jury what that means, what you mean
7 by an element?

8 MR. SMITH: Leading.

9 A Element, you had different tubes, you
10 had different wires, you had different coils that
11 connected your wiring. The term element was
12 different parts of the machinery, that's how I'm
13 using the word element.

14 Q Can you describe the product, what was
15 inside this product that looked like this Raytheon
16 piece of equipment?

17 MR. SMITH: Objection, vague and ambiguous
18 and broad.

19 MS. McCORMACK: Objection.

20 Q Go ahead.

21 A You had --

22 MR. SMITH: Leading.

23 A -- gauges that indicated polarity,
24 direction. You had gauges which indicated voltage.
25 You had, there was your different gain switches that

1 set was opened up?

2 A The condition --

3 MR. SMITH: The same objections.

4 A The condition? Whenever you opened
5 these things up, the condition was poor because you
6 wouldn't have had to open them up if they weren't,
7 if they were prior services. When you open these
8 things up, they were running 24/7 until the
9 maintenance and they ran every minute of every day
10 so they heat up and dust, that's the maintenance on
11 it. So they're dusty, dirty, sometimes they smelled
12 of burning stuff when you opened them.

13 MR. SMITH: Move to strike unresponsive
14 portions.

15 Q Was it your job to clean this box out?

16 MR. SMITH: Objection, leading, over
17 broad.

18 A When you opened the unit you had to
19 clean the unit, you had to dust the unit, you had to
20 vacate any other debris that was in the area that
21 you were working so that the dust would not conduct
22 a different flow of the units.

23 MR. SMITH: Move to strike on the same
24 grounds.

25 Q There are parts that are mentioned in

1 this document called terminal boards. That's a
2 terminal board?

3 MR. SMITH: Leading.

4 A A terminal board is where you have a
5 plate where your condenser is, your relays are, and
6 a terminal board, we mentioned a mother board
7 before, your terminal board was contact to where
8 your base of your tubes were.

9 Q Do you know what the composition of the
10 board was?

11 MR. SMITH: Calls for speculation, lacks
12 foundation.

13 MS. McCORMACK: Objection.

14 A 'No, I don't.

15 Q Do you know what a toggle switch is?

16 A Yes.

17 MR. SMITH: Leading.

18 Q What's a toggle switch?

19 A Toggle switches were all used on a lot
20 of the, they were used on all the machinery, on all
21 the scopes and all the different varieties of ECM
22 equipment. They were turning the unit on, turning
23 it off. Basically that's what they did.

24 Q There's a reference in this document to
25 what's known as retainer packing and sealing

1 unit, they were not tight compacted, they were
2 puffy.

3 Q There's a reference to something called
4 an oil seal. Do you know what that is?

5 MR. SMITH: The same objection.

6 A That might have been on one of the
7 scopes, I'm not sure.

8 Q It's identified, again it's still the
9 same product, it's identified as "weather seal in
10 the reflector bracket adapter." Do you know what
11 those terms mean?

12 MR. SMITH: The same objection.

13 MS. McCORMACK: Objection.

14 A I know what they mean but I can't place
15 them on the machinery.

16 Q The next one is an Instruction Book for
17 Radar Set AN/SPN-8(XN-1) from the Bendix Radio
18 Company.

19 MS. REICHELSON: Note my objection.

20 Q Take a look at this again. Having
21 looked at this, is there anything in this document
22 that looks familiar to you?

23 MR. SMITH: Leading.

24 A Just some of the terminologies and names
25 of stuff that I haven't looked at in 50 years.

1 packing. Do you know what those things are?

2 MR. SMITH: Objection, vague and ambiguous
3 over broad, leading.

4 Q Do you know what those are?

5 A I know what the word packing is, yes.

6 Q Tell us what packing is?

7 A When you're putting a switch in --

8 MR. SMITH: Objection.

9 A -- there is an element that has to
10 protect your contacts and that's what we had.

11 Q Do you recall ever handling this packing
12 when you opened up this particular piece of
13 equipment that we're talking about.

14 MR. SMITH: Objection, leading, vague,
15 misleading.

16 MS. McCORMACK: Objection.

17 A You could not help touching it because
18 you were removing the switches and replacing the
19 switches.

20 Q What was the condition of the packing
21 when you opened up the equipment, do you recall?

22 MR. SMITH: The same objection.

23 MS. McCORMACK: Objection.

24 A Depending on the last time it was
25 serviced, they were frayed more from the heat of the

1 MS. REICHELSON: Move to strike.

2 Q Which of those look familiar to you?
3 Let me ask you that.

4 MR. SMITH: Leading.

5 A Without my reading glasses on, I
6 remember reading it last night. Some of the
7 terminology about the switches and how to operate
8 them, that's basically it.

9 Q You had mentioned, you talked about
10 Bendix at the last deposition, do you recall that?

11 A Yes.

12 Q Is this the Bendix product, if you
13 recall, or is it a different Bendix product.

14 MS. REICHELSON: Objection, asked and
15 answered, lack of foundation, and beyond the
16 scope again.

17 MR. SMITH: Leading.

18 MS. McCORMACK: Objection.

19 A I don't know exactly.

20 Q What Bendix product were you talking
21 about the last time?

22 MS. REICHELSON: Asked and answered over
23 and over again.

24 MR. SMITH: Leading.

25 Q You can answer.

EXHIBIT D

NAVSHIPS 91778(A)

★
CONFIDENTIAL
SECURITY INFORMATION
(Non-Registered)

INSTRUCTION BOOK
for
RADAR SET
AN/SPN-12(XN-1)



RAYTHEON MANUFACTURING COMPANY
WALTHAM, MASSACHUSETTS

BUREAU OF SHIPS

DEPARTMENT OF THE NAVY

★
Contract: NObsr-57066

Approved by BuShips: 16 October 1952

DECLASSIFIED
Authority NND974382

**AN/SPN-12(XN-1)
FRONT MATTER**

CONFIDENTIAL
NAYSHIPS 91778(A)

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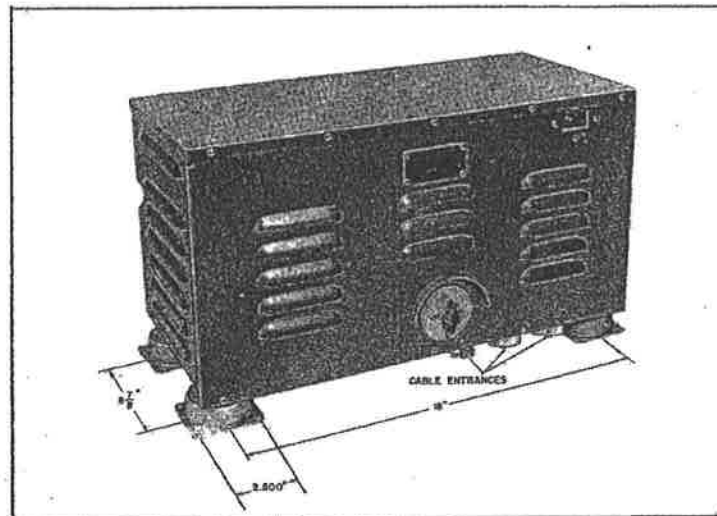


Figure 3-18. Gyro Compass Synchro Amplifier Mark 3 Mod. 1
Cable Entrances and Mounting Details

4. PROTECTION OF EXPOSED UNITS.

All terminal tubes and cables should be carefully chromated and painted after installation to prevent corrosion.

5. CABLING.

a. GENERAL INSTRUCTIONS.

Refer to the Interconnection Wiring Diagram (figure 3-19), and carefully follow all specifications as to the cable type.

Refer to figure 3-20 for Primary Power Distribution.

Use standard Navy armored cables for all inter-unit connections. Run all cables in accordance with standard Navy wiring practice.

Lug and number all individual conductors. Take care to prevent short circuits at terminal strips and jack assemblies. Remove insulation from conductors only far enough to make good soldered connections, and avoid dropping solder and wire clippings between terminals. Place a short piece of spaghetti tubing over the junction of each conductor where it enters the shank of the soldering lug. This will prevent frayed insulation, broken leads, and shorts between adjacent lugs. Check all jacks and plugs for tightness. Lace tightly into cables all leads terminating on terminal strips or on plug or jack assemblies.

Bond all external shielding (armor) at several points to the ship's common grounding strip to prevent or lessen interference between the Radar Set and other equipment.

The armor on the power cables should be grounded in accordance with "General Specifications for Machinery for Vessels of the U. S. Navy" (see S-62-2). The armor should be grounded to the ship's structure closely adjacent to the unit to which the cable connects, and also at several points along the cable length within the space, preferably at every other cable hanger. Grounding of armored steel cables should be done by cleaning the armor of the cable at the point where the securing clamp of the grounding device is fastened and grounding this clamp to the ship's structure with a strip of sheet steel which is $3/8" \times 1/32"$. One end of the steel strip should be fastened with a securing clamp and the other end with machine screws to a suitable pad welded to the ship's structure.

b. CABLES.

The cables listed below are multiconductor cables used in the system.

Cable	Location of Cable
R-EC 1	Power Supply to 115v, 60 cycle supply
R-EC 2	Computer to Power Supply
R-EC 3	Computer to Receiver-Transmitter
R-EC 4	Power Supply to Receiver-Transmitter
R-EC 5	Synchro Amplifier to Computer
R-EC 6	Computer to L.S.O. Speed Indicator
R-EC 7	Computer to C.C.A. Room Speed Indicator
R-EC 8	Computer to Air Officer Speed Indicator
R-EC 9	Computer to Wind Intensity Circuit

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PARTS LIST

TABLE 8-4

TABLE OF REPLACEABLE PARTS

REFERENCE DESIGNATION	STOCK NUMBER	NAME AND DESCRIPTION	LOCATING FUNCTION
XV2202		SOCKET, ELECTRON TUBE: 8 contact octal; round excluding mounting flange; dia. excluding mounting and terminals 1-7/64 in. dia, 31/64 in. deep; mica filled bakelite body; mounted by moulded in plate w/two 5/32 in. dia holes located 1-1/2 in. o to c, 1-7/64 in. dia chassis hole required; American Phenolic Corp. MIP-8T; Same as XV1801	For V2202
XV2203		Same as XV2202	For V2203
XV2204		Same as XV2202	For V2204
XV2205		Same as XV2202	For V2205
C2301		CAPACITOR FIXED, ELECTROLYTIC: 1 section; 2000 mfd; 50V DC working; moisture proof plastic case; dia. 1-13/16 in. diam 4-3/8 in. lg; 2 solder lug terminals on one end; bracket for vertical mounting; polarized; P.R. Mallory Co., Inc. type HC-5020.	Filter
C2302		Same as C2301	Filter
C2303		Same as C2301	Filter
C2304		Same as C2301	Filter
C2305		Same as C2301	Filter
C2306		Same as C2301	Filter
CR2301		RECTIFIER, METALLIC: selenium; designed for single phase full wave circuit MBCA Ref Dwg Group 23; input 78 v single phase; output 40-60 v, a amps max, full wave rectification; rectangular shape; dia. excluding mounting and terminals 4 in. square by 8-1/4 in. deep; two no. 5/16-18 thread by 5/8 in. lg mounting studs, one each end; 3 solder lug terminals located one side; Sarkes Tarzian Inc.; D-33.	Filament supply rectifier
E2301	----- N17-B-77586-2571 -----	TERMINAL BOARD: molded mica filled phenolic; 3 double screw type terminals; barrier type; over-all dim. 2-1/16 in. lg, 1-1/8 in. wide, 33/64 in. high; four 0.175 in. dia mounting holes on 1-3/4 in. by 7/16 in. mounting centers; Howard B. Jones, 3-141-0; Raytheon part #247-1015G3.	General use
E2302 thru E2311		NOT USED	

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PARTS LIST

TABLE 8-4

TABLE OF REPLACEABLE PARTS

REFERENCE DESIGNATION	STOCK NUMBER	NAME AND DESCRIPTION	LOCATING FUNCTION
S1005	----- N17-S-72396-1763 -----	SWITCH, TOGGLE; JAN TYPE ST42E; single pole, double throw; rated 0.75 amp DC, 15 amp AC at 125v; Spec JAN-S-23; Cutler Hammer Raytheon part #228-1001P5.	Good-bad switch
S1006		Same as S1001	Local remote switch
S1007		Same as S1001	MAN - AGC switch
T1001		TRANSFORMER, POWER, STEP DOWN: open metal frame; input 114v, 60 cycles, 1 phase; 1 output winding, 75v at 1.5 amp output; test v 1500 v rms; air cooled; permalloy and varnish impregnated dim. 3-1/4 in. max lg, 3-1/8 in. max wide, 4-1/16 in. max high; 4 solder lug terminals, 2 on front, 2 on back; four 1/4 in. dia mounting holes on 2-7/16 in. by 1-5/8 in. mounting centers; electrostatic shielding; Raytheon part #292-1716Q1.	Synchro zeroing voltage
TP1001		CONNECTOR, RECEPTACLE: 1 round female contact; straight type; over-all dim. 29/32 in. lg excluding terminals, 1/2 in. dia; cylindrical, brass barrel, bakelite top body; mts w/no. 3/16-32 thread by 3/4 in. lg on body; includes 2 washers and nut; Hugh H. Eby, #49.	Video input test point
TP1002		Same as TP1001	Frequency multiplier output test point
XF1001 thru XF1003		NOT USED	
XF1004	----- N17-F-74267-6921 -----	HOLDER, FUSE: for one 1/4 in. x 1-1/4 in. or 9/32 in. x 1-1/4 in. glass fuse; molded bakelite body w/copper clips; 18 amp; o/a dimen 2-7/16 in. lg x 3/4 in. diam; marking of "FUSE" with arrow; Bussman Mfg. Co.; HCM; Raytheon part #343-1001P1.	For F1004
XF1005		Same as XF1004	For F1005
XF1006		Same as XF1004	For F1006
X11001	----- N17-L-76656-2447 -----	LAMPHOLDER: single holder; accommodates miniature base lamp; rated 125 or 250v, 1/4 watt; brass body; over-all dim. 1-17/32 in. lg by 15/16 in. OD; 2 solder lug terminals; mounts w/no. 11/16-27 thread; includes built in resistor, washer, lockwasher and nut; Dial Light Corp.; 95408-93; Raytheon part #281-1017P1.	For I1001
*Not furnished as a maintenance part. If failure occurs, do not request replacement unless the item cannot be repaired or fabricated.			

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TABLE 8-4

TABLE OF REPLACEABLE PARTS

REFERENCE DESIGNATION	STOCK NUMBER	NAME AND DESCRIPTION	LOCATING FUNCTION
E1012	----- N17-B-77988-3571 -----	TERMINAL BOARD: black molded phenolic board; 12 double screw terminals; w/barriers; over-all dim. 6 in. lg, 1-1/8 in. wide, 33/64 in. deep; four 0.175 in. dia mounting holes on 5-11/16 in. by 7/16 in. mounting centers; Howard B. Jones, 12-141-0; Raytheon part #247-1005G12.	General use
E1013		Same as E1012	General use
E1014		Same as E1012	General use
E1015		TERMINAL BOARD: black moulded phenolic board; 8 double screw terminals; w/barriers; over-all dim. 4-1/4 in. lg, 1-1/8 in. wide, 33/64 in. deep; four 0.175 in. dia mounting holes on 3-15/16 in. by 7/16 in. mounting centers; Howard B. Jones, 8-141-0; Raytheon part #247-1005G8.	General use
E1016		Same as E1015	General use
E1017	----- N17-B-78039-6377 -----	TERMINAL BOARD: black moulded phenolic board; 14 double screw terminals; w/barriers; over-all dim. 6-7/8 in. lg, 1-1/8 in. wide, 33/64 in. deep; four 0.175 in. dia mounting holes on 6-9/16 in. by 7/16 in. mounting centers; Howard B. Jones, 14-141-0; Raytheon part #247-1005G14.	General use
E1018		Same as E1017	General use
E1019		Same as E1017	General use
E1020		Same as E1017	General use
E1021	----- N16-P-403502-204 -----	PLATE, IDENTIFICATION: Isopoid; black; rectangular shape; 7-23/32 in. lg, 1-5/16 in. wide, 1/16 in. thick; four 13/64 in. dia mounting holes on 7-5/16 in. by 1/2 in. mounting centers; marked "E1001"; Raytheon part #8107305-159P1.	For E1001
E1022	----- N16-P-403502-206 -----	PLATE, IDENTIFICATION: Isopoid; black; rectangular shape; 7-23/32 in. lg, 1-15/16 in. wide, 1/16 in. thick; four 13/64 in. dia mounting holes on 7-5/16 in. by 1/2 in. mounting centers; marked "E1002"; Raytheon part #8107305-161P1.	For E1002

*Not furnished as a maintenance part. If failure occurs, do not request replacement unless the item cannot be repaired or fabricated.

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trance. This will make the entrance or passage water-tight when the tube is drawn up.

If a brass gland nut is used with armored cable, paint the armor with zinc chromate or a 2-to-1 mixture of zinc dust and petrolatum to prevent galvanic action.

**(b) ATTACHMENT TO UNIT OR
BULKHEAD.**

Screw the neck of the tube into the unit or bulkhead and tighten securely with a wrench.

(c) INSERTION OF CABLE.

Slip the gland nut and gland ring onto the cable and insert the cable into the tube end until the armor just reaches the narrowest portion (beginning of the neck).

Note

All steel gland nuts should be zinc-plated.

(d) RETAINER PACKING.

With the gland nut and gland ring pulled back out of the way, insert one turn of retainer packing of the correct width to fill the space between the cable and the tube. Cut off the packing to overlap approximately 1/4". Tamp the packing firmly in place, using a wooden offset tamping tool or a plumber's caulking iron.

(e) SEALING PACKING.

Insert several turns of sealing packing of the correct width to fill the space, tamping each turn firmly in place. Use as many turns as necessary to fill the remaining depth of the tube, but leave just enough depth for one final turn of retainer packing. (If separate rings of sealing packing are used instead of one long piece, the overlaps should be staggered to avoid continuous cracks.)

(f) FINAL RETAINER PACKING.

Insert one turn of retainer packing, overlapping the ends approximately 1/4". If the cable is armored, use metallic retainer packing to ground the armor to the tube. Tamp the packing firmly until two threads are exposed on the inside of the tube. These are sufficient to start the gland nut without cross-threading.

(g) GLAND NUT.

Insert the metal gland ring. Carefully start the gland nut into the threads of the tube, avoiding cross-threading, then set it up tightly enough with a wrench to make a bond between the cable and the packing.

CAUTION

While the pressure thus developed within the tube will vary with the type of cable,

care must be taken not to apply a pressure great enough to damage the cable.

Note

When extra-flexible, rubber-covered cables are run through terminal tubes, one of the following special packings should be used:

(1) Split rings of soft, live rubber having a square cross section 1/4", 5/16", or 3/8", as required to fit the space between the cable and the tube. The ends of the rings should be skived and as many rings used as required to fill the packing space. The rubber may be obtained in helical form, if desired, and cut into rings as above.

(2) A long strip of soft, live rubber of circular cross section and of the proper diameter to fit the space between the cable and the tube applied in one continuous piece and wrapped spirally around the cable.

(b) PLASTIC SEALER.

After packing the tube and setting up the gland nut, fill the space between the cable and the tube with plastic sealer. This should be done both at the gland nut end and at the neck end (except, of course, on stuffing tubes and kick-pipes).

1. To ensure thorough application at the gland nut end, temporarily remove the gland nut and compression ring and apply sealer to the inner wall of the tube all the way from the final retainer packing to the mouth of the tube. Also, apply sealer to the inner surface of the gland nut and to the portion of cable normally covered by the gland nut. Then replace the gland ring and gland nut, tightening the latter as before.

2. In most cases, the neck end can be reached for sealing by working through the unit case, or the neck may be sealed after completing step (a).

(Plastic sealer is not used with extra-flexible, rubber-covered cables.)

Note

The type of plastic sealer to be used depends on the application.

a. Type HF sealer is used in high temperature compartments.

b. Type H sealer is used in locations subject to weathering.

c. Johns-Manville Duxal is used where moisture and vermin must be excluded. As Duxal does not flow readily at normal temperatures, it must be packed into place.

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c. CABLE RUNS.

In planning cabling installations, it is advisable first to sketch out the outline of each unit where it is to be mounted. This will facilitate finding the best cabling layout between the various units, and will also give some idea of how the completed installation will look.

In grouping cables, it is important to avoid layouts that might build up electrical disturbances or otherwise interfere with proper circuit performance. If avoidable, RF cables should not run parallel with other ship's cables. If unavoidable, a separation of 6" to 12" should be made.

Crossovers should be kept at a minimum. If unavoidable, they should be made in a shipshape fashion. All cables should be continuous between two units.

Unightly cable bends can often be avoided at unit entrances by the use of 45° or 90° tubes and fittings.

All coaxial cables are fragile and must be handled with great care. Do not bend large coaxial cables on less than a 7" radius, or small cables on less than a 5" radius. Keep cables away from hot exhaust pipes, etc.

Sufficient slack should be left at entrances to permit the repair of cable ends without replacing the cables. In general, allow an extra foot or two of slack.

No splice connections are permitted, except with certain types of solid dielectric coaxial cables, where a splicing technique requiring the use of special molds is employed. Refer to R.I.P., pages C-6-35 through C-6-43 inclusive.

d. CABLE ENTRANCES.

Entrance to watertight units must be made with standard Navy terminal tubes. Threaded entrances should be coated with anti-seize compound (such as 2-to-1 mixture of petrolatum and zinc dust) before installing the tube. Entrance to non-watertight units is preferably made through terminal tubes. These need not be packed watertight, but should be packed sufficiently to anchor the cables in place. In general, where alternate cable entrances are provided, entrance from the top is preferable; entrance from the side or bottom is permissible as second and third choice.

Passage of cables through decks and bulkheads exposed to weather must be made with stuffing tubes.

e. CABLE PROTECTION.

Wherever cables are liable to mechanical injury, they must be protected by suitable metal casing. All cables passing through decks must be protected by means of kick-pipes or riser-boxes.

Cables subjected to frequent or occasional immersion in water must be installed as high as possible. In

such places, the cables should be coated with a paint resistant to water, oil, and acid and should be so located as to be accessible for subsequent repainting.

All armored cables should be given a coat of zinc chromate before paint is applied. Cables exposed to the weather should be painted at regular intervals.

f. CABLE SUPPORTS.

Cable supports should be designed to secure cables without damage to armor or insulation, and should be formed to make uniform contact with at least 1/2" of the cable circumference.

Coaxial cables should be secured with double-toe, loose-fitting straps. These should be snug but not too tight, since compression of the dielectric between the inner and outer conductors will lower the voltage breakdown point.

Where cables pass through non-watertight bulkheads or beams, a suitable bushing may be substituted which will permit the cable to be drawn through without damage. In cases where the thickness of the bulkhead or webbing is 1/4" or more, the bushing may be omitted but the edges of the holes must be rounded.

g. TERMINAL TUBES.

(1) GENERAL.

To ensure long, trouble-free service, all terminal tubes must be carefully packed as outlined below. Defective packing is a common cause of equipment failure.

**(2) PACKING PROCEDURE FOR
MULTICONDUCTOR CABLES.**

The procedure given below applies for packing either terminal tubes or stuffing tubes with either armored or unarmored multiconductor cables. (Slight differences in procedure for the two types of cables are noted.)

With all multiconductor cables, it is standard practice to use retainer packing for the first and last layers and sealing packing to fill the space between these layers. Plastic sealer is applied to both ends of terminal tubes to seal the space between the cable sheath and the inner wall of the tube.

(a) SPECIAL PREPARATION.

If convenient at the time, apply plastic sealer between the cable and the neck of the tube, as outlined in step (b); or, if desired, leave this to be done later after the tube has been attached to the unit and packed.

If the tube is to be attached to a watertight unit or bulkhead, apply anti-seize compound or other non-corrosive material to the outside threads on the neck of the tube and the inside threads of the unit en-

PARTS LISTS
SG-6b

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Section 8
O-1322—O-1331

TABLE 8-4 COMBINED PARTS AND SPARE PARTS LIST

STANDARD DESIGNATION	NAME OF PART DESCRIPTION	FUNCTION	JAN OR Navy Designation	STANDARD NAVY STOCK NUMBER	APPL. †	MAY'S DESIGN NUMBER	CONTRACTOR'S NUMBER	ALL SYMBOL DESIGNATIONS INVOLVED	QTY REQ. ON T/Y	SPARE PARTS PECULIAR EQUIPMENT			
										TAG NO.	BOX NO.	QUAN- TITY	UNIT
O-1322	GASKET: "O" ring hydraulic packing; syn rubber; single hole; round, 3-7/8" OD x 3-5/8" ID x 1/8" thk; ANA std AN6230.	Gasket between rotary joint bearing and RF input flange	AN6230-17	N17-G-161306- 390	719	Δ	287-1005P17	O-1322	1				
O-1323	GASKET: "O" ring hydraulic packing; syn rubber; single hole; round; 4-7/8" OD x 4-5/8" ID x 1/8" thk; ANA std AN6230.	Gasket between B1801 motor mount & upper pedestal half	AN6230-25	N17-G-163041- 991	719	Δ	287-1005P25	O-1323	1				
O-1324	GASKET: "O" ring hydraulic; syn- thetic rubber; single hole; round, 7-1/4" OD x 7" ID x 1/8" thk; ANA std AN6230-40.	Gasket between bottom bearing retainer & selector valve housing	AN6230-40	N17-G-164016- 351	719	AN6230- 40	287-1005P40	O-1324	1				
O-1325	GASKET: "O" ring hydraulic packing; syn rubber; single hole; round, 7- 1/8" OD x 7-1/4" ID x 1/8" thk; ANA std AN6230.	Gasket 2 between spindle tube assembly & upper pedestal half	AN6230-41	N17-G-164109- 120	719	Δ	287-1005P41	O-1325	2				
O-1326	GASKET: "O" ring hydraulic packing; syn rubber; single hole; round, 9-3/4" OD x 9-1/2" ID x 1/8" thk; ANA std AN6230.	Gasket between upper & lower housings of rotary joint O-1315	AN6230-50	N17-G-164439- 250	719	Δ	287-1005P50	O-1326	1				
O-1327	SEAL, oil; bearing seal; lip metal molded compound, heel asbestos, garter spring steel, cad pl; round, 4-1/2" OD x 3-3/4" ID x 7/16" thk o/a; single hole; endless. P/O O-1315	Between 49° curve & RF input flange of rotary joint O-1315		N16-B-150143- 344	743	4374	287-1030P1	O-1327	1				
O-1328	SEAL, oil; bearing seal; lip metal molded compound, heel asbestos, garter spring steel, cad pl; round, 4-1/2" OD x 3-3/4" ID x 7/16" thk o/a; single hole; endless.	At bottom of spindle tube		N16-B-150143- 343	743	4169	287-1030P2	O-1328	1				
O-1329	SEAL, oil; bearing seal; lip metal molded compound, heel asbestos, garter spring steel, cad pl; round, 6-1/4" OD x 5-1/4" ID x 7/16" thk o/a; single hole; endless.	For upper spindle bearing		N16-B-150143- 343	743	3727	287-1030P3	O-1329	1				
O-1330	SEAL, oil; bearing seal; lip metal molded compound, heel asbestos, garter spring steel, cad pl; round, 7" OD x 6" ID x 7/16" thk o/a; single hole; endless.	Weather seal in the reflector bracket adaptor		N16-B-150143- 340	743	3714	287-1030P4	O-1330	1				
O-1331	GASKET: drain pipe; neoprene; single hole; round, 1-3/8" OD x 11/16" ID x 1/4" thk o/a.	Drain pipe gasket		AN15-G-161335- 125	26	ΔΔ	287-1021P1	O-1331	1				

Δ Same as JAN or Navy Type Number.
ΔΔ Same as Contractor's Part Number.
§ When equipment spares are expended,
do not request replacement; this
item should be fabricated; this
additional parts are required.

† FOR NAMES AND ADDRESSES, SEE LIST OF MANUFACTURERS

ORIGINAL

8-213

EXHIBIT E

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SHIP INSTRUMENTATION MANUAL

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NEW YORK NAVAL SHIPYARD
BROOKLYN 1, NEW YORK

DEPARTMENT OF THE NAVY - BUREAU OF SHIPS - DECEMBER, 1958

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